

IN THE SENATE OF THE UNITED STATES.

APRIL 11, 1860—Ordered to be printed.

Mr. POWELL made the following

REPORT.

[To accompany Bill S. 395.]

*The Committee on Pensions, to whom was referred the petition of Lemuel Worster, praying for an invalid pension, beg leave to report :*

That the petition was first presented at the second session of the Thirty-third Congress, upon which a favorable report was made ; also at the first session, Thirty-fourth Congress ; first session, Thirty-fifth Congress ; and bills introduced at the first session, Thirty-fifth Congress ; his claim was passed by the Senate and reported to the House of Representatives.

At the present session the petition was again referred to the Committee on Pensions, and on the 6th March, 1860, was reported adversely.

March 16, recommitted, since which date the Third Auditor of the Treasury has furnished evidence from the rolls, showing that three of the witnesses in the case were officers in a company of detached militia in which petitioner served as a waiter.

Upon a careful examination of the evidence last presented, your committee are of the opinion that the petitioner is entitled to relief, and therefore incorporate the report of the first session of the Thirty-fifth Congress with that of this committee, and agree to the accompanying bill.

IN SENATE OF UNITED STATES, April 27, 1858.

*The Committee on Pensions, to whom was referred the petition of Lemuel Worster, praying for a pension on account of a disability incurred while employed as a waiter to an officer in the service of the United States during the last war with Great Britain, having had the same under consideration, do now report :*

That said petition has previously been before Congress, and has formerly received the favorable action of both Houses, but failed by casualty to become a law. At the last Congress the Committee on

Pensions made the following report, which your committee adopt, and report a bill for his relief:

“That the petitioner, then but twelve years of age, served in the war of 1812 as a servant to an officer of the militia, under the following circumstances:

“His father, Captain Alexander Worster, now deceased, was in command of a company of militia, and in September, 1814, received orders to march to Kittery Point, in the State of Maine, and join himself to the troops there rendezvousing for the defense of the coast against British invasion. Ten days after effecting a junction of the forces detailed for that service, an order was received from the War Department to organize the companies of one hundred men each. Under this order Captain Worster's company and the companies commanded by Captains Thompson and Ayers were consolidated into two companies, under command of Thompson and Ayers, and Captain Worster was appointed first lieutenant of Captain Thompson's company, and commissioned as such. Under the regulations issued, each commissioned officer of said companies was entitled to, and each appointed, a servant or waiter. They were usually selected from among the enrolled men, and detailed for this duty, under pay and rations; but in this instance the officers exercised their discretion, and selected their attendants outside of the ranks. In this selection no regard was paid to age, provided the person was capable of performing the duty; and Lieutenant Worster appointed his son Lemuel, then twelve years of age, and, in the language of the affidavit of Captain Thompson, accompanying the papers, ‘a smart, active lad, who served as such, and was constantly in the line of his duty, until he was taken sick of camp or spotted fever.’ This disease prevailed to a fearful extent in the camp, and petitioner was violently attacked by it, and continued in a critical situation until long after the troops were discharged—his father remaining at Kittery Point in charge of him a long time after that event. After a slow and painful recovery, it was found that the disease had made sad havoc of the energies and faculties of the petitioner.

“Not only was his health completely broken down, but he had lost the sight of one eye entirely, the faculty of speech was gone, and he was perfectly deaf—all hopes of his usefulness or happiness in life utterly destroyed. In this situation he has lingered to the age of fifty-two years, always a charge upon his friends. Since the death of his father his situation is one of entire dependence upon charity, and the kindness of those indifferent to his comfort and necessities. He prays now that Congress, as an act of charity and justice, would grant him a pension for the remainder of his life. There is, of course, no law providing for the case; but had Lieutenant Worster appointed his servant from the ranks, as it was his privilege to do, instead of requiring the duties of his son, that attendant, if thus disabled, would be provided for in the general statutes; and had the son been an enlisted soldier, there would have been no question in the case. In view of the fact that, although a boy, he was appointed to, entered upon, and discharged the duties that would otherwise have been required of an enrolled soldier, the committee think the case is brought within the

intent of the law, and it being a case appealing strongly to the charity of Congress, aside from the question of right, they recommend an act for his relief.

“The evidence accompanying the petition is ample, well authenticated, and most conclusive of the truth of the above facts. A bill is herewith reported.”

